IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6827 OF 2005

Manisha N.Deshpande. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri R.G.Pagdhare for the Applicant.

Ms.M.M.Deshmukh, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 17th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant. The challenge in this Application is to the orders dated 25th February 2005 and 13th June 2005 passed by the learned Additional Chief Metropolitan Magistrate. By order dated 25th February 2005 passed on a private complaint filed by the contesting Respondent, the learned Magistrate directed the Assistant Commissioner of Police, Kandivali Police Station to make investigation under section 156(3) of the Code of Criminal Procedure, 1973. The learned Magistrate directed that the investigation should be made particularly as regards the allegations against the Police Officers involved in the case. The final report on the basis of the said order was submitted on 11th April 2005. In so far as the challenge to the order dated 25th February 2005 is concerned, this Application cannot be entertained. The Application is filed on 13th

October 2005. The order was implemented and report was submitted by the Officer on 11th April 2005 and six months thereafter the order which is acted upon is sought to be challenged.

2. The learned Advocate for the Applicant submitted that the order dated 13th June 2005 is erroneous as there was no question of directing the Police to investigate again under section 156(3) of the said Code for ascertaining the complicity of the accused in this case. In my view there is no error in the said order. After examining the report dated 11th April 2005, the learned Additional Chief Metropolitan Magistrate found that further investigation was necessary against the persons who are shown as accused in the complaint though no further action was required against the Police Officers. No case for interference under section 482 of the said Code is made out. Accordingly the Application is rejected. It is made clear that the observations made in this order are for the limited purpose of considering the prayer made in the present Application and all questions on merits in the pending complaint are expressly kept open.

Judge.